

Message Text

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E.O. 11652: N/A

TAGS: EFIS, NZ

SUBJ: NEW ZEALAND FISHERY REGULATIONS

REF: STATE 260679

1. ACCORDING TO SECTION V OF THE NEW ZEALAND FISHERIES ACT 1908 IT IS ILLEGAL FOR ANY VESSEL NOT OF NEW ZEALAND REGISTRY TO FISH WITHIN GNZ'S FISHING ZONE OR TERRITORIAL SEA.

2. THE FISHERIES ACT EMPOWERS THE MINISTER OF AGRICULTURE AND FISHERIES TO ATTACH SPECIAL CONDITIONS TO THE REGISTRATION OF ANY VESSEL AND, AT HIS DISCRETION, HE MAY GRANT NEW ZEALAND STATUS TO FOREIGN VESSELS. THIS WAS DONE FOR THE U.S. VESSEL PARAMOUNT WHICH OPERATED IN NEW ZEALAND WATERS DURING 1974 UNDER THE AUSPICES OF THE NEW ZEALAND GOVERNMENT TO ENABLE IT TO CARRY OUT A FISHERIES RESEARCH PROGRAM.

3. IF THE MINISTER DOES NOT GRANT NEW ZEALAND STATUS TO A FOREIGN VESSEL, IT CAN ONLY BE REGISTERED IN NEW ZEALAND IF THE OWNER IS ORDINARILY RESIDENT IN NEW ZEALAND OR, IN THE CASE OF AN INCORPORATED COMPANY, THAT THE COMPANY IS REGISTERED IN NEW ZEALAND AND IS CONTROLLED BY ONE OR MORE PERSONS WHO OR ALL OF WHOM ARE ORDINARILY RESIDENT IN NEW ZEALAND.

4. FOR THIS PURPOSE OF NZ RESIDENT IS A PERSON WHO HAS RESIDED IN NZ FOR NOT LESS THAN 2 1/2 YEARS DURING

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THE PERIOD OF 3 YEARS IMMEDIATELY PRECEDING THE DATE

OF APPLICATION FOR REGISTRATION AND IN THE OPINION OF THE SUPERINTENDENT IS LIKELY TO CONTINUE TO RESIDE PERMANENTLY IN NZ. A COMPANY SHALL BE DEEMED TO BE CONTROLLED BY ONE OR MORE PERSONS WHO OR ALL OF WHOM ARE ORDINARILY RESIDENT IN NZ IF MORE THAN HALF OF THE VOTING POWER AT MEETINGS OF THE COMPANY MAY BE EXERCISED BY THAT PERSON OR, AS THE CASE MAY BE, BY THOSE PERSONS TOGETHER.

5. THE REGISTRATION OF ANY FISHING VESSEL SHALL BE CANCELLED IF ANY OWNER/S CEASE TO BE RESIDENT IN NEW ZEALAND, OR IF THE VESSEL OR ANY SHARE THEREIN IS TRANSFERRED TO OR BECOMES VESTED IN ONE OR MORE PERSONS WHO OR ANY OF WHOM ARE NOT ORDINARILY RESIDENT IN NEW ZEALAND; OR A COMPANY THAT IS NOT REGISTERED IN NEW ZEALAND OR IS NOT CONTROLLED BY ONE OR MORE PERSONS WHO OR ALL OF WHOM ARE NOT ORDINARILY RESIDENT IN NEW ZEALAND.

6. ACCORDING TO THE NEW ZEALAND TERRITORIAL SEA AND FISHING ACT 1965 NEW ZEALAND'S TERRITORIAL SEA IS MEASURED FROM THE LOW-WATER MARK (BASELINE) ALONG THE COAST OF NEW ZEALAND, INCLUDING THE COAST OF ALL ISLANDS. IT COMPRISES THOSE AREAS MEASURED THREE NAUTICAL MILES SEAWARD FROM THE BASELINE. THE NZ FISHING ZONE COMPRISES THOSE AREAS OF THE SEA CONTIGUOUS TO THE NZ TERRITORIAL SEA TO A LINE MEASURED SEAWARD A DISTANCE OF NINE NAUTICAL MILES FROM THE TERRITORIAL SEA LIMIT. THERE ARE SPECIAL PROVISIONS FOR BAYS WITH ENTRANCES MEASURING 24 NAUTICAL MILES OR LESS.

7. THERE ARE NO NEW ZEALAND REGULATIONS DEALING SPECIFICALLY WITH TUNA FISHING. HOWEVER, BECAUSE TUNA ARE CAUGHT BY THE PURSE SEINE NET METHOD, PERTINENT SECTIONS OF THE FISHERIES (GENERAL) REGULATIONS 1950 WHICH COVER DESCRIPTIONS AND SIZES OF NETS AND FISH THAT MAY BE CAUGHT ARE APPLICABLE TO TUNA FISHING.

8. COPIES OF THE FISHERIES ACT 1908 (REPRINTED AS ON JANUARY 1, 1967), THE AMENDMENT NO. 72 TO THE ACT, THE FISHERIES (GENERAL) REGULATIONS 1950 AND THE TERRITORIAL SEA AND FISHING ZONE ACT, 1965 BEING UNCLASSIFIED

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